

Notice of Allowability

Application No.

09/676,529

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview on 5/8/06 & Amendment received on 2/16/2006.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/9/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER

DETAILED ACTION

1. Applicant's amendment received on 2/12/2006 is acknowledged and entered.

Claims 23-24 are amended. Currently claims 1-24 are pending for examination

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Mr. John Dresch on 5/8/2006.

The application has been amended as follows:

Claims 1, 22, 23 and 24 are amended as follows:

Claim 1. (Currently amended) A method for conducting electronic commerce, comprising:

electronically visiting, by a customer interested in shopping for an item, a preselected comparison shopping site (~~ComShop~~), and inquiring about the item and comparative prices thereof;

running, by the preselected comparison shopping site, a query on a plurality of electronic stores carrying the item, and asking for a price of the item, the plurality of electronic stores including at least one smartStore;

determining by the at least one smartStore that the query is received from the preselected comparison shopping site; and

selectively determining, by the smartStore, an offer price of the item and selectively returning one of a static price and a modified price,

wherein the modified price and selectively returning, by the smartStore, of said one of the static price and the modified price result from:

(i) the smartStore sending a request to the preselected comparison shopping site asking for comparison prices of the items from the plurality of electronic stores other than the smartStore ; and

(ii) the smartStore learning a best offer price received by the preselected comparison shopping site from the plurality of electronic stores other than the smartStore.

Claim 22. (Currently amended) A system for conducting electronic commerce between a customer and one of a plurality of electronic stores, comprising:

a plurality of electronic stores;

a preselected comparison shopping site coupled to the plurality of electronic stores and a customer interested in purchasing an item,

wherein at least one of the plurality of electronic stores comprises a smartStore that recognizes that a source of a query is from the preselected comparison shopping site and not from a non-comparison shopping site; and

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an electronic medium for linking the customer, each of the plurality of electronic stores, and the preselected comparison shopping site together electronically,

wherein the preselected comparison shopping site runs the query on the plurality of electronic stores and requests an offer price of the item,

wherein the smartStore determines a predetermined offer price of the item from the plurality of electronic stores and selectively returns one of a static price and a modified price, said one of the static price and the modified price result selectively returned being based on:

(i) the smartStore recognizing that the query is from the preselected comparison shopping site;

(ii) the smartStore sending a request to the preselected comparison shopping site asking for comparison prices of the items from the plurality of electronic stores other than the smartStore ; and

(iii) the smartStore learning a lowest offer price received by the preselected comparison shopping site from all of the plurality of electronic stores other than the smartStore.

Claim 23. (Currently amended) A system for performing electronic commerce, comprising:

a preselected comparison shopping site ~~(ComShop)~~,

means for electronically visiting, by a customer interested in shopping for an item, the preselected comparison shopping site, and inquiring about the item and comparative prices thereof;

means for running, by the preselected comparison shopping site, a query on a plurality of electronic stores, asking for a price of the item; and

means for determining, by at least one of the plurality of electronic stores that recognizes the query from the preselected comparison shopping site and not from a non-comparison shopping site, an offer price of the item and returning one of a static price and a modified price, the modified price resulting from:

(i) the at least one of the plurality of electronic stores that recognizes the query from the preselected comparison shopping site sending a request to the comparison shopping site asking for comparison prices of the items from the plurality of electronic stores other than the at least one of the plurality of electronic stores that recognizes the query; and

(ii) the at least one of the plurality of electronic stores that recognizes a the query from the preselected comparison shopping site learning a lowest offer price received by the preselected comparison shopping site from the plurality of electronic stores other than the at least one of the plurality of electronic stores that recognizes the query,

wherein the means for determining and returning returns said one of the static price and the modified price based on the learned lowest offer price received by the

preselected comparison shopping site from the plurality of electronic stores other than the at least one of the plurality of electronic stores that recognizes the query.

Claim 24. (Currently amended) A signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of conducting electronic commerce, the method comprising:

electronically visiting, by a customer interested in shopping for an item, a preselected comparison shopping site (~~ComShop~~), and inquiring about the item and comparative prices thereof;

running, by the preselected comparison shopping site, a query on a plurality of electronic stores asking for a price of the item; and

determining, by at least one of the plurality of electronic stores that recognizes the query from the preselected comparison shopping site and not from a non-comparison shopping site, an offer price of the item and returning one of a static price and a modified price, the modified price resulting from:

(i) the at least one of the plurality of electronic stores that recognizes the query from the preselected comparison shopping site sending a request to the comparison shopping site asking for comparison prices of the items from the plurality of electronic stores other than the at least one of the plurality of electronic stores that recognizes the query; and

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(ii) the at least one of the plurality of electronic stores that recognizes the query from the preselected comparison shopping site learning a lowest offer price received by the preselected comparison shopping site from the plurality of electronic stores other than the at least one of the plurality of electronic stores that recognizes the query,

wherein said returning said one of the static price and the modified price is based on the learned lowest offer price received by the preselected comparison shopping site from the plurality of electronic other than the at least one of the plurality of electronic stores that recognizes the query .

Allowable Subject Matter

4. Claims 1-24 are allowed. Claims 1, 22-24 independent and claims 2-21 are dependencies of claim 1.

The following is an examiner's statement of reasons for allowance:

Reasons for Allowance

Claims 1-24

The prior art of record neither anticipates nor renders obvious an electronic commerce comprising, inter alia, a customer interested in shopping an item visiting a preselected comparison shopping site and inquiring about the item and comparative prices thereof, running by the preselected comparison shopping site a query on a plurality of electronic stores carrying the item and asking for a price of the item, the

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plurality of electronic stores including at least one smartStore that determines/
recognizes that the query is received from the preselected comparison shopping site,
then selectively determining an offer price of the item and selectively returning one of a
static price and a modified price, wherein the modified price and selectively returning, by
the smartStore, of said one of the static price and the modified price result from: (i) the
smartStore sending a request to the preselected comparison shopping site asking for
comparison prices of the items from the plurality of electronic stores other than the
smartStore and (ii).the smartStore learning a best offer price received by the
preselected comparison shopping site from the plurality of electronic stores other than
the smartStore(see independent claims 1, and 22-24. Note: Claims 23-24 do not include
the term smartStore but instead they recite " the at least one of the plurality of electronic
stores" which implements the same functions as those of the smartStore in claims 1 and
22).

The claims subject matter is supported by the disclosure (see applicant's
specification, pages 5-7 and Figs. 2-3).

5 Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the
claimed invention(s).

(a) The most closely applicable prior art of record is Gillman (US Publication
2002/0147674 used in Office action mailed on 11/16/2005). Gillman's method and
system (see at least paragraphs 0011-0013, 0027-0043, and 0047) facilitates an

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electronic commerce over the World Wide Web. A customer interested in shopping for an item accesses a web site running reverse auction system and his request for quote is sent to a registered pool of suppliers who bid and can track in real-time the bids of other suppliers thereby getting an opportunity to re-quote throughout the bidding time of the auction. But Gillman alone or combined with any other prior art does not disclose or render obvious the novel features, underlined above, as a whole. The arguments by the applicant (see Remarks filed on 2/16/2006 on pages 13-16)that Gilman does not disclose or suggest the claimed invention as a whole is compelling.

(b) Another closely applicable prior art of record is Roll et al. (US Publication 2002/0016779) hereinafter Roll, in combination with Phaal (US Patent 6,055,564) used in Office action mailed on 5/25/2005). Roll (see at least paragraphs 0037-0043) discloses a method and system facilitating electronic commerce over the Internet. A customer interested in shopping for an item accesses a Host provider's web site to input the desired item and the plurality of suppliers who are interested to offer their products submit their offers. Host provider uses the prices of other suppliers to determine if he is willing to adjust his price based upon the other suppliers' prices and sends the adjusted price to the user and if he is not willing to extend his price then he sends the prices of the other suppliers including his own unadjusted price to the user. But Roll alone or combined with any other prior art including Phaal does not disclose or render obvious the novel features, underlined above, as a whole. The arguments by the applicant (see

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Remarks filed on 8/25/2005 on pages 12-19)that Roll alone or combined with Phaal does not disclose or suggest the claimed invention as a whole is compelling.

6. Cited Prior Art:

(i) us Patent 6,976,006 to Verma et al. discloses a method and Apparatus for presenting price comparison to prospective buyers (see at least Abstract and col.5, line 18-col.6, line 33) but does not disclose or render obvious the novel features, underlined above, as a whole.

(ii) WO 00/43850 to Evans et al. discloses Internet related on-line comparison shopping system of interactive purchase and sale of products wherein a database includes information on products from different sources, that is vendors and manufacturers, and the user using the database can compare products and select a product (see at least pages 5-8) but does not disclose or render obvious the novel features, underlined above, as a whole.

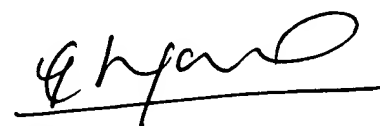
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
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YCG
5/9/2006